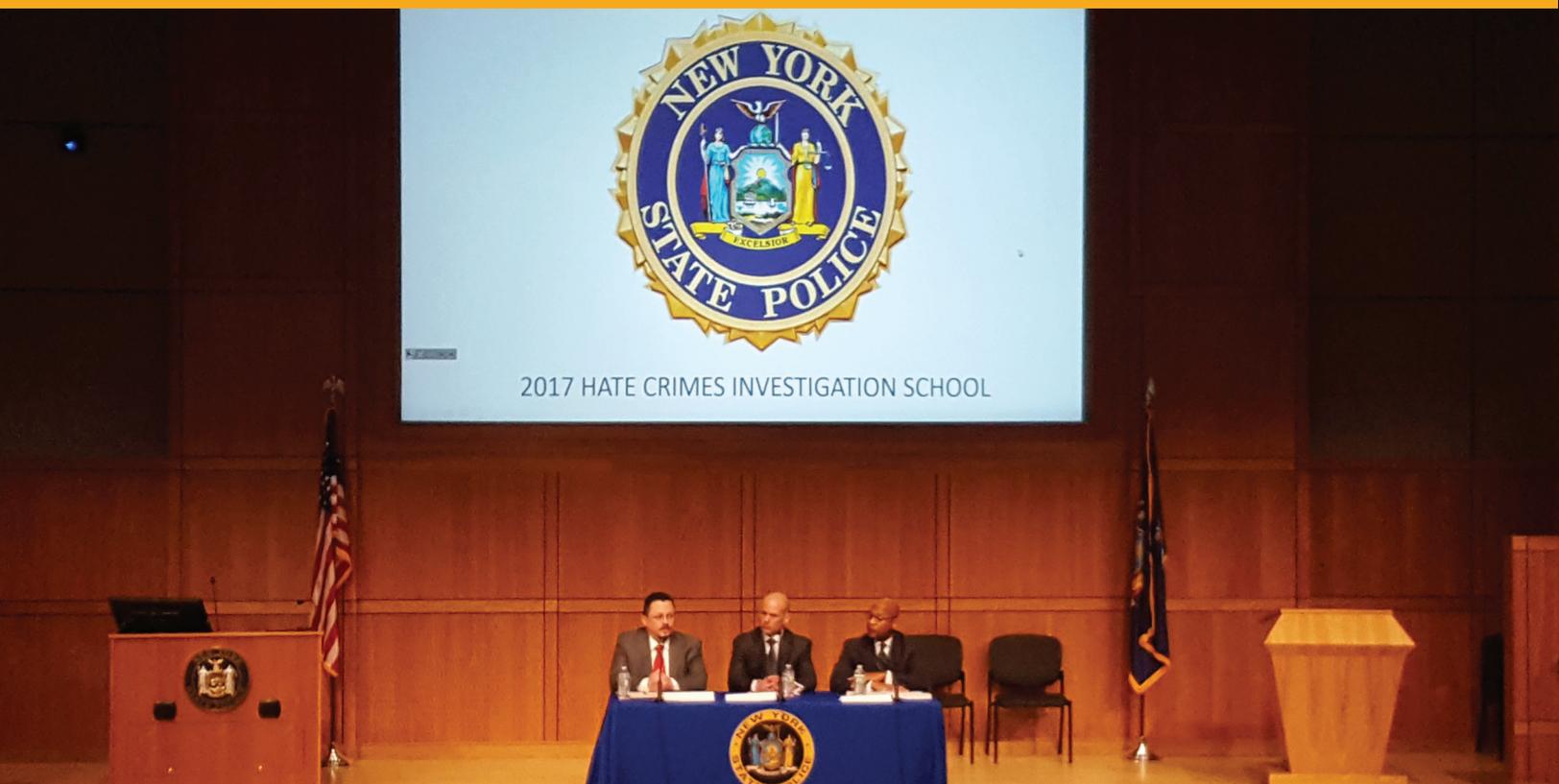




Governor Andrew M. Cuomo's

New York State Hate Crimes Task Force Report



Built to Lead

State
Police

Division of
Human Rights

Division of Criminal
Justice Services

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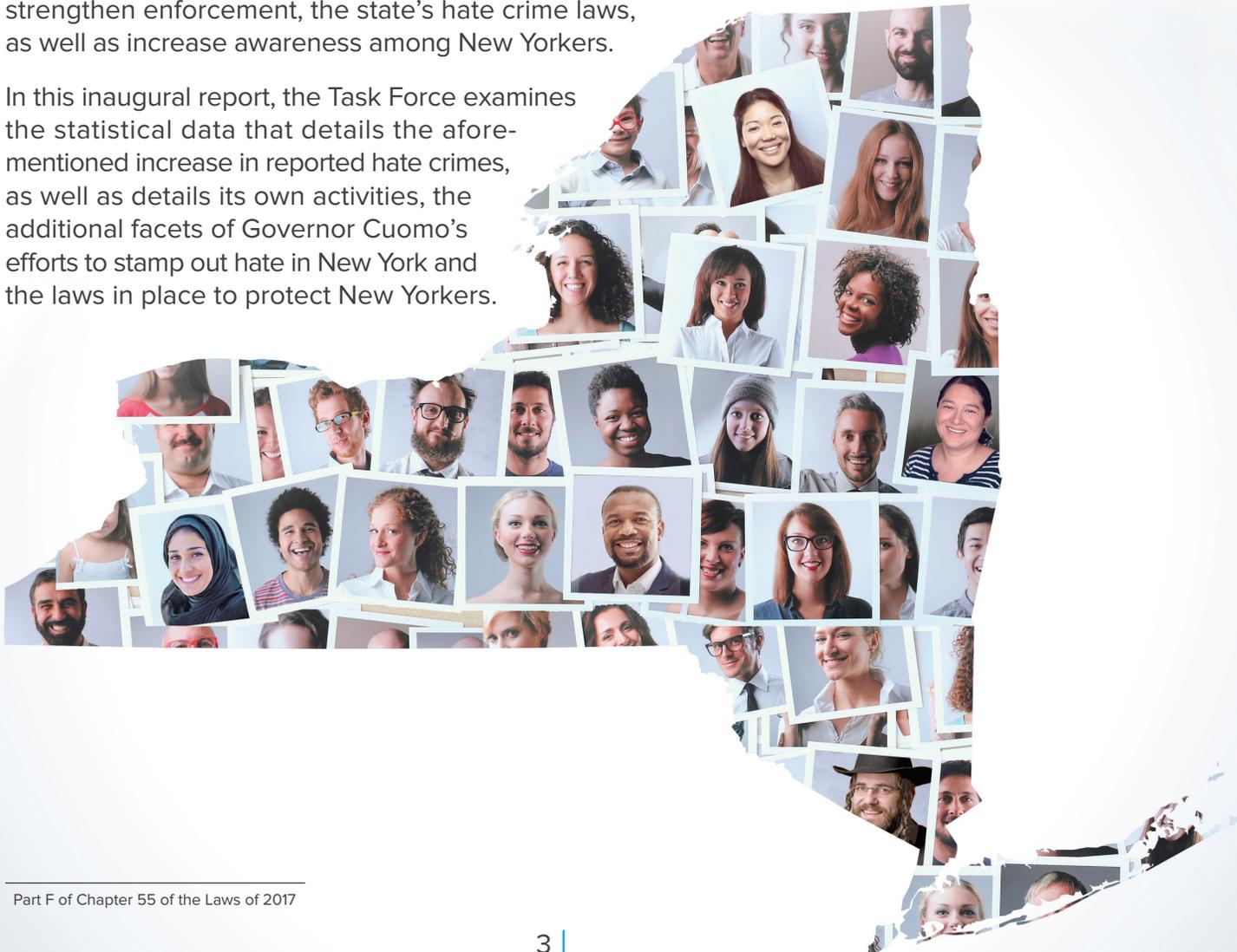
For More Information Visit:
www.ny.gov/we-are-all-immigrants/new-york-state-anti-hate-crime-resource-guide

Introduction

For more than two centuries, people from every corner of the globe have come to New York seeking a better life. No matter one's race, creed, religion, or sexual orientation, New York has always been a beacon of acceptance and opportunity for all people – that is the foundation that this state was built upon. In fact, New York was the first state in the nation to enact a Human Rights Law, affording every citizen an equal opportunity to enjoy a full and productive life. Despite this rich history of acceptance and diversity, New York saw an increase in the reports of discrimination, related threats and harassment in 2016. This uptick in hate not only threatens the very core of who we are as New Yorkers, but it feeds into the social and political division that has taken the nation by storm.

In response, Governor Andrew M. Cuomo has launched an extensive effort to not only stop this trend, but to reverse it by protecting the principles that have allowed New York to flourish both culturally and economically. Central to this effort has been the Governor's creation of New York's first Hate Crimes Task Force through legislation he first introduced in November 2016. The Task Force, led by the New York State Police with assistance from the Division of Human Rights and the Division of Criminal Justice Services, seeks to both strengthen enforcement, the state's hate crime laws, as well as increase awareness among New Yorkers.

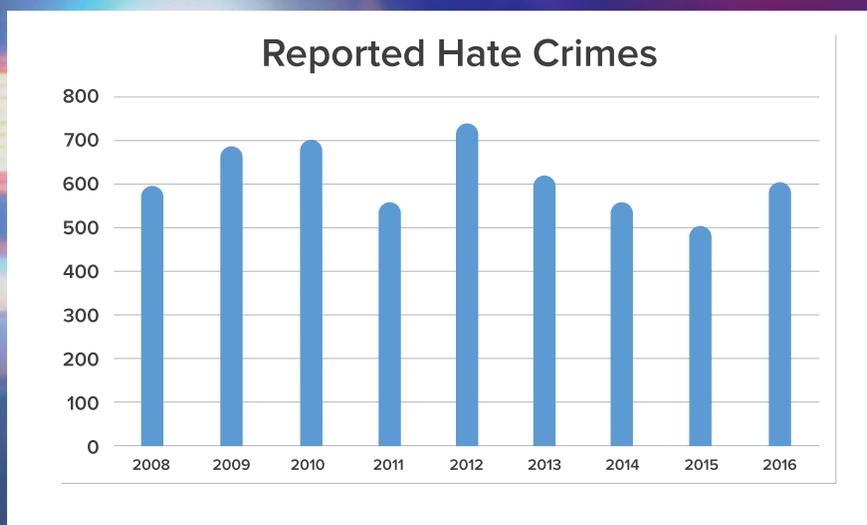
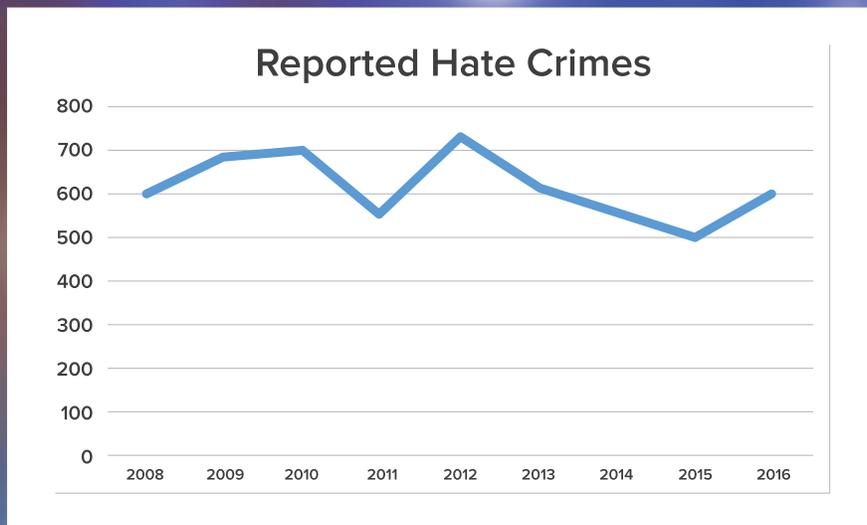
In this inaugural report, the Task Force examines the statistical data that details the aforementioned increase in reported hate crimes, as well as details its own activities, the additional facets of Governor Cuomo's efforts to stamp out hate in New York and the laws in place to protect New Yorkers.



2016 Increase in Hate Crimes

In 2016, law enforcement agencies throughout New York collectively experienced a significant increase in reports of hate crimes. 598 incidents were reported to law enforcement agencies, representing an 18.9 percent increase from the previous year and the most in a single year since 2013.

Data also showed that more than half reported hate crimes targeted property while the other 46.8 percent targeted people. This represents increases of 39.5 percent and 1.8 percent, respectively. The most frequently reported bias motivations for hate crimes against property were anti-Jewish (60.7 percent) and anti-black (13.5 percent). While the most frequently reported bias motivations for hate crimes against individuals were anti-LGBT (26.1 percent), anti-Jewish (17.5 percent), anti-black (11.4 percent), and anti-Islamic (10.4 percent). The most common hate crime arrest charges were aggravated harassment (39.3 percent) and assault (27.4 percent).



Public Engagement, Training and Enforcement By the Hate Crimes Task Force

Public Engagement

Aside from direct reports to law enforcement, the primary ways that New Yorkers have reported hate crimes to the Task Force has been through the use of a toll-free hotline and text line. Both mechanisms were established by Governor Cuomo in the wake of the hate crime uptick and have proven to be useful tools at the Task Force's disposal. Since their creation, more than 8,378 New Yorkers have reached out to the Task Force through these channels. Additionally, the State has created a website dedicated entirely to helping New Yorkers report and help fight back against hate crimes. It provides New Yorkers the ability to file a complaint online as well as information on the definition of a hate crime, resources for victims and other pertinent information.



TEXT: HATE” to 81336 to report incidents of bias and discrimination

WEB: <https://www.ny.gov/programs/hate-crimes-task-force>

Training

Another core function of the task force is to ensure that New York's Hate Crime laws are investigated and enforced properly. To this end, Governor Cuomo directed the State Police and its 83-member Hate Crimes Unit to lead an expansion of training opportunities to help other law enforcement agencies strengthen their own handling of these cases.

As part of this effort, a three-day Hate Crimes Investigation School was held in March 2017. In total, more than 120 law enforcement officials from 23 different agencies worked with experts from the State Police, US Attorney's Office for the Northern District, the FBI, and the Anti-Defamation League on how to improve the identification and subsequent investigation of hate crimes. Special attention was focused on proper evidence procedures, what resources are available to support law enforcement and strategies for engaging the community to help combat hateful acts.

Enforcement

To date, the State Police and its Hate Crimes Unit have investigated and offered assistance to other law enforcement agencies and District Attorneys on a total of 353 hate crime cases. Of the 353 cases, 293 were closed by law enforcement investigation, with 41 arrests being made. Currently, there are 19 cases that are pending. Cases not resulting in an arrest were closed if it was determined that the circumstances did not warrant criminal charges, the victim declined to pursue an investigation, or investigators lacked the necessary probable cause for making an arrest.

Calls to the hotline also led to numerous investigations by the Division of Human Rights within its jurisdiction under the Human Rights Law. To date, there have been a total of 331 complaints filed with the Division. Of these, 275 have alleged employment discrimination, 35 have alleged housing discrimination, 20 have alleged discrimination in places of public accommodation and one alleged credit discrimination. 135 of these 331 complaints are currently under investigation, while 24 complaints are currently in the public hearing process. Another 125 have been closed due to a lack of probable cause, lack of jurisdiction, or dismissal to pursue claim in another venue and 32 others were withdrawn so settlement negotiations could proceed outside of the Division's process. Lastly, 15 have resolved through pre-determination conciliation agreements in which the complainants were awarded \$52,000 collectively.

Additional Efforts by Governor Cuomo to Reduce Hate Crimes Throughout New York

While the Task Force and its members have undertaken a wide variety of initiatives focused on enforcement and education, Governor Cuomo has launched a number of additional efforts to ensure New York's response to hate is as comprehensive as possible. First and foremost, after convening a roundtable with over 50 religious leaders from across the state that included representatives of the Christian, Jewish and Muslim faiths, the Governor announced the creation of a \$25 million Securing Communities Against Hate Crimes Grant program which aims to strengthen security measures at schools, day care centers, and cultural centers at risk of hate crimes or attacks because of their ideology, beliefs or mission. The Division of Homeland Security and Emergency Services has released a request for application for this program.

Prior to the creation of this program, the Governor also sent an open letter to the State Education Commissioner on the reported increase in incidents of hate speech, bullying and discrimination against students and requested that the State Education Department hold trainings for staff and students addressing discriminatory behavior forbidden by law and by school conduct.

Additionally, Governor has offered a \$5,000 reward for information leading to the arrest and conviction of perpetrators of hate crimes. On March 10, 2017, the Governor partnered with New York City Mayor Bill de Blasio to jointly raise the reward to \$20,000. Out of the total 598 hate crime incidents in 2016, 369 have occurred in New York City, a more than 20% increase from 2015.

Finally, the Governor also formed a new Interfaith Advisory Council, led by Timothy Cardinal Dolan, to achieve greater understanding and tolerance of all regions and cultures and to promote focus on commonalities as opposed to artificial distinctions amongst New Yorkers.



Protections from Hate Crimes Afforded to New Yorkers Under State Law

Penal Law

New York State's Hate Crime Law (Penal Law Article 485) designates 53 Penal Law crimes as hate crimes: 39 felonies and 13 misdemeanors ranging from third degree criminal mischief to second degree murder. In addition, any attempt to commit – or conspiracy to commit – any of those felonies or misdemeanors is also designated as a hate crime. A complete list of the crimes is attached as an Appendix to this Report.

Criminal Penalties: A person commits a hate crime when one (or more) of those designated offenses is committed targeting a victim because of a perception or belief about their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, or when such an act is committed as a result of that type of perception or belief. These crimes can target an individual, a group of individuals or public or private property. Investigating officers are responsible for identifying an offense as a hate crime and specifying the bias motivation when reporting the incident.



Sentencing under the Hate Crime law is complex, with sentence length determined by the class of crime for which an individual is convicted:

- If the offense is a misdemeanor or a Class C, D or E felony, the hate crime conviction elevates the class by one category: for example, a Class A misdemeanor becomes a Class E felony, or a Class D felony becomes a Class C felony. A higher class brings with it a longer sentence.
- If the offense is a Class B or Class A-1 felony, the mandatory minimum sentence is increased: for example, the mandatory minimum sentence for second-degree murder is 15 years to life. A conviction of second-degree murder as a hate crime requires a mandatory minimum sentence of 20 years to life.

It is important to note that an individual's prior convictions may affect the length of sentence a judge imposes for a hate crime conviction. The law also permits a judge to sentence an individual to a program, training session or counseling session directed at hate crime prevention and education, if the judge determines it to be appropriate and available, and was developed or authorized by the court or local agencies in cooperation with organizations serving the community affected by the crime.

Human Rights Law

New York was the first state in the nation to enact a Human Rights Law affording every citizen “an equal opportunity to enjoy a full and productive life.” The law prohibits discrimination in employment, apprenticeship and training, purchase and rental of housing and commercial space, places of public accommodation, certain educational institutions, and credit transactions based upon protected characteristics such as race, color, creed, sex, age, disability, national origin, marital status, familial status, conviction or arrest record, sexual orientation, gender identity, transgender status or gender dysphoria.



New York was the first state in the nation to enact a Human Rights Law affording every citizen *“an equal opportunity to enjoy a full and productive life.”*

Civil Penalties and Remedies: The Human Rights Law requires that complainants must file a complaint within one year of the alleged unlawful discriminatory act. The Division of Human Rights may also initiate its own investigation and bring a complaint to remedy large-scale and systemic discrimination in New York State. If the Division finds that unlawful discrimination has occurred, it may award money damages to the victim, including back pay and compensatory damages for mental pain and suffering, and in the case of housing discrimination, punitive damages, attorney’s fees and civil fines and penalties.

The Division also assists victims of discrimination with the administrative process of filing a complaint and then guides them to the appropriate office for investigation. New Yorkers wishing to file a civil complaint of discrimination may contact the nearest regional office of the Division of Human Rights, which has twelve offices around the state. Regional office addresses are available they are listed on DHR’s website: www.dhr.ny.gov.

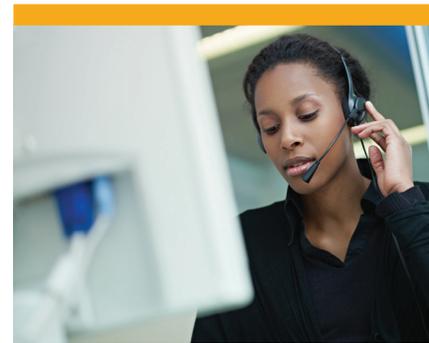
Existing Reporting Obligations on Hate Crimes

The New York State Division of Criminal Justice Services (DCJS) publishes an annual report that includes a statistical analysis of Hate Crime incidents.¹ This report contains hate crime incidents reported to DCJS by police departments and sheriffs' offices through the Uniform Crime Reporting system. It includes breakdowns by county, type of incident as categorized by Penal Law, bias motivations and several other categories. This report is available on DCJS' website on the publications page (<http://criminaljustice.ny.gov/crimnet/pubs.htm>). The Division of Criminal Justice Services also makes available Hate Crime Incidents by Reporting Agency on the statistics page of the DCJS website (<http://criminaljustice.ny.gov/crimnet/ojsa/stats.htm>).

Available Resources for Victims and Witnesses of Hate Crimes

The New York State Hate Crimes Taskforce may be contacted during normal business hours at (518) 786-2100 from 9a.m. to 5 p.m. Monday – Friday. Individuals may also call the toll-free hotline at (888) 392-3644 or text “HATE” to 81336 if they wish to report a crime and provide details of the incident, including photo or video documentation.

DHR answers incoming calls and text messages and determines whether the incident described falls within the agency’s jurisdiction. If an act of discrimination does fall within DHR’s jurisdiction, the victim is directed to file a DHR complaint. Any reports of bias/hate crimes are immediately forwarded to the State Police for further review. Reports are referred to the State Police when a reported incident of bias or discrimination appears to involve threats, graffiti, an act of violence, or any crime.



The New York State Office of Victim Services (OVS) also provides assistance to victims of hate crimes. OVS funds 223 programs statewide that can provide direct services, such as crisis intervention and counseling, to victims of crime, including those physically injured as a result of a hate crime. Those programs also can help any crime victim apply for compensation and other assistance from the agency, which is a safety net for individuals who have no other resources. Individuals seeking help from OVS also can search for a service provider online: <https://ovs.ny.gov/locate-program>. For more information, please visit: www.ovs.ny.gov.

If New Yorkers want to report a crime or fear for their safety, they are directed to call 911 immediately.

¹Per New York State Executive Law § 837(4)(c)

Conclusion

As 2016 showed, even a state that draws a majority of its strength from tolerance and diversity is not immune to the scourge of hate that has plagued the United States in recent months. Through the leadership of Governor Cuomo, New York has initiated a swift and largely comprehensive response to stem this tide of hate and bias.

Citizens across the state have been utilizing the hotline and textline and the Task Force will continue to improve efforts to connect New Yorkers with agencies that can address their needs. Further, the Task Force plans a robust education and outreach campaign across the state. The two mechanisms currently provide the public with a direct connection to support, the forthcoming campaign will allow law enforcement and state officials to take a more proactive role in education and boosting awareness.

On the enforcement side, the hotline and the text line have provided law enforcement and the Division of Human Rights with a new avenue for launching investigations into claims of bias and hate. Further, the additional trainings being conducted by the State Police have played a critical role in bringing a renewed focus by both state and local law enforcement on these issues. Moving forward, the State Police's continued commitment to these efforts will be essential in ensuring all law enforcement have the tools necessary for resolving these cases.

Under Governor Cuomo's leadership, New York's response to hate and bias has been swift and decisive. The Task Force will continue to refine its efforts, making the necessary adjustments to ensure the safety and security of all New Yorkers, regardless of their background. Through the work of the Task Force, New York will continue as a beacon of hope and opportunity for all people.



“New York serves as a beacon of hope and opportunity for all, and we will continue to stand up to those who seek to spread the politics of division, fear and hate.”

— Governor Andrew M. Cuomo

APPENDIX

Designated Hate Crimes:

First-degree assault

Second-degree assault

Third-degree assault

Aggravated assault upon a person less than eleven years old

First-degree menacing

Second-degree menacing

Third-degree menacing

First-degree reckless endangerment

Second-degree reckless endangerment

Second-degree strangulation

First-degree strangulation

Second-degree manslaughter, subdivision one

First-degree manslaughter subdivision one, two or four

Second-degree murder

Fourth-degree stalking

Third-degree stalking

Second-degree stalking

First-degree stalking

First-degree rape, subdivision one

First degree criminal sexual act, subdivision one

First degree sexual abuse, subdivision one

First-degree aggravated sexual abuse, subdivision one, paragraph (a)

Second degree aggravated sexual abuse, subdivision one, paragraph (a)

First-degree unlawful imprisonment

Second-degree unlawful imprisonment

First-degree kidnapping

Second-degree kidnapping

First-degree coercion

Second-degree coercion

First-degree criminal trespass

Second-degree criminal trespass

Third-degree criminal trespass

First-degree burglary

Second-degree burglary

Third-degree burglary

First-degree criminal mischief

Second-degree criminal mischief

Third-degree criminal mischief

Fourth-degree criminal mischief

First-degree arson

Second-degree arson

Third-degree arson

Fourth-degree arson

First-degree grand larceny

Second-degree grand larceny

Third-degree grand larceny

Fourth-degree grand larceny

Petit larceny

First-degree robbery

Second-degree robbery

Third-degree robbery

First-degree harassment

Second-degree aggravated harassment, subdivision one, two or four



New York State Hate Crimes Task Force Report